

REMARKS

The Advisory Action dated February 12, 2010 raised a new issue -- namely that the language of Claim 1 could be read upon the two separate piece embodiment of Gunn et al. The amendment to Claim 1 herein is intended to address this issue.

Furthermore, Applicant respectfully requests reconsideration of the Examiner's inferences made in connection with the teachings in Gunn et al. It is noteworthy that no anticipating reference has been found, even though the technology here is remarkably mature. The Examiner's position that the metal composition of the base reference can be combined with Gunn's split bearing example in a non-metallic construction is without any corroborating support. Rather, a hindsight reconstruction of the prior art, made possible only by the teachings in this Applicant's disclosure, provides the only foundation for the persistent rejections.

The Examiner's argument regarding the "can be" language in Column 5, lines 8-11 of Gunn appears also to be motivated by hindsight. In this passage, Gunn clearly suggests that the non-metallic material choices could be used for the two-piece bearing parts 32 and 32". However, Gunn never suggests or implies that the metallic material choices could be used for the one-piece bearing part 32'. The reason is provided in Gunn's specification at Column 6, beginning with line 15:

The spherical socket bearing 32' is one piece and is made from plastic so it can be assembled onto the ball head of the stud by simply pressing and snapping the ball end of the stud into the bore of the split bearing ring which being made from plastic has elasticity and can spread apart to receive the ball.

Accordingly, the Applicant respectfully requests reconsideration of the outstanding Rejections on the basis that a *prima facie* case of obviousness has not been made with respect to Applicant's claims. Gunn's bearing 32' is neither an "upper" bearing within the meaning ascribed in Applicant's claims, nor is it made from metal, nor is there any uncontroverted prior art evidence to suggest otherwise.

Concluding Remarks

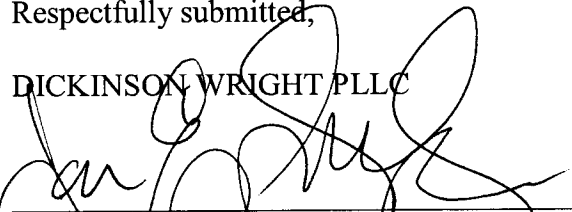
Further and favorable action is requested.

The Patent Office is authorized to charge any fee deficiency or refund any excess to Deposit Account No. 04-1061.

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Respectfully submitted,

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